Improvement Res. No. 1363-74

vacation of portion of first alley so. of Wayne St. from wpl of Harmar, etc.

Resolution Adopted:

July 1, 1974

Confirmed:

July 25, 1974

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Sept 5, 1974

B.O. 54-1974

DECLARATORY RESOLUTION NO. 1363-74

for the vacation of a portion of the first alley south of Wayne Street from the west property line of Harmar Street to a point 185 feet west thereof.

ADOPTED: July 1, 1974

ADVERTISE NOTICE TO PROPERTY OWNERS: July 5 & 12, 1974

NOTICES MAILED: July 12, 1974

HEARING ON CONFIRMATION: Thurs. July 25, 1974 at 3:30 p.m.

CONFIRMED: July 25, 1974

ASSESSMENT ROLL ORDERED: July 25, 1974

ASSESSMENT ROLL APPROVED: August 15, 1974

HEARING ON CONFIRMATION OF A. R.: Thurs. Sept. 5, '74 at 3:30 p.m.

NOTICE SERVED: August 23, 1974

ASSESSMENT ROLL CONFIRMED. September 5, 1974

taken to D. of F.

6-37-11-4I
7/1/74

DECLARATORY RESOLUTION No. 1363 19 74

For the Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ of a portion of the first alley south of Wayne Street from the west property line of Harmar Street to a point 185 feet west thereof.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate a portion of the first alley south of Wayne Street from the west property line of Harmar Street to a point 185 feet west thereof.

All as shown by a plan of such proposed Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - Opening - Condemnation of right of way for utility purposes is described as follows: Lots 330 to 332 and Lots 355 to 357 inclusive, all in Hanna's Addition. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described ALLEY shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

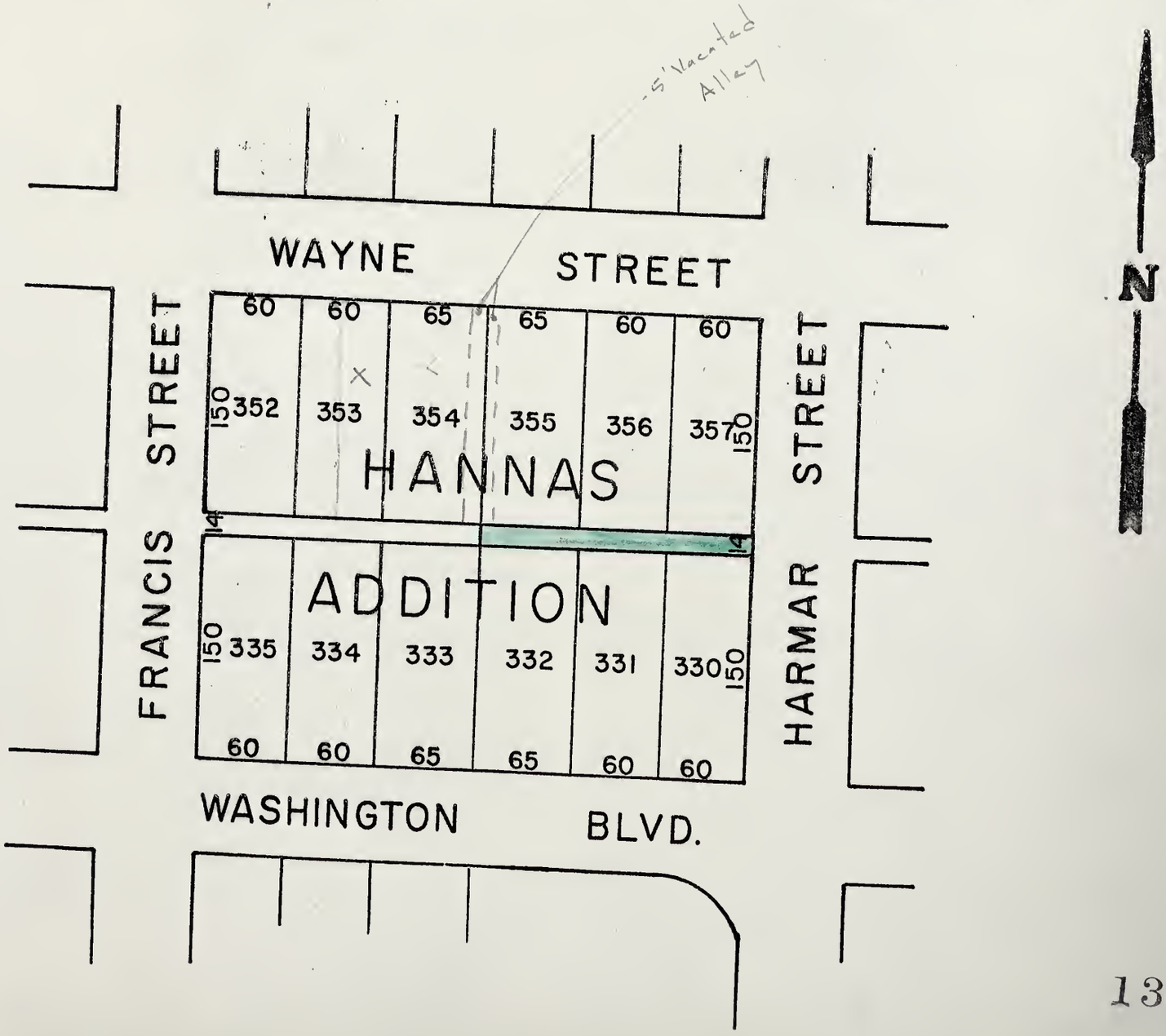
All Streets, lots and lands affected by the above described vacation are situated in the southwest quarter of Section One, Twonship 30 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 1st DAY OF July 19 74.

Attest: Edna J. Smith
Secretary Board of Public Works.

J. D. Boswell
R. Fitz
~~Board of Public Works~~

PORTION OF ALLEY TO BE VACATED



1363

June 6, 1974

RECEIVED
JUN 6 1974
CITY ENGINEERING DEPT.

Richard Wanush
City Plan Director

Tom Manny
Traffic Engineer

Please submit your opinion and recommendation on the following proposed vacation.

A portion of the first alley south of Wayne Street from the west property line of Harmar Street to a point 185 feet west thereof.

Entire Alley should be VACATED or Not at All
Tom Manny
6 JUN 74

Kenneth N. Traylor
Street Engineer

RECEIVED
JUN 6 1974
TRAFFIC ENG.

lc
attachs.

cc: Board of Public Works
(B.O. #54-1974)

PETITION TO VACATE PORTION OF ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

00051

THE BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE, INDIANA

The Fort Wayne Housing Authority does hereby petition the City Plan Commission of the City of Fort Wayne to vacate a portion of the following alley located within the City of Fort Wayne, Indiana, and described as follows:

> A portion of the East-West alley located in Hanna's Addition extending 185 feet west of the West Right-of-Way of Harmar Street, lying between Wayne Street and Washington Blvd.

Your petitioners represent:

1. That no other person, firm, or corporation is interested in or affected by the requested vacation.
2. That portion of said alley is not necessary as ingress or egress to any other property whatsoever. The sole resident on that block has access to her garage through the Francis Street entrance.
3. That said portion of alley will not be used as a service alley and with the provision that utility easements located therein shall continue.
4. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof, as well as the immediately adjoining property owners that said portion of alley be vacated as prayed.

Your petitioners file this petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that that portion of the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

Louis G. Petro

Dr. Louis Petro
Executive Director
Fort Wayne Housing Authority of the
City of Fort Wayne

OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

B.O. 54-1974

Date July 25, 1974 61-65-1

To STREET ENGINEERING DEPARTMENT

Subject Res. - Declaratory No. 1363-1974 vacation of a portion of the first alley south of Wayne Street, etc.

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages.

Property List enclosed.

J. D. BOSWELL
R. L. BONAR
W. G. WILLIAMS
BOARD OF PUBLIC WORKS

ajf

enc. P.L.

RECEIVED
JUL 26 19
CITY ENGINEERING DEPT

Signed

Reply:

August 12, 1974

Assessment roll of benefits and damages completed and attached.

Kenneth N. Traylor
Street Engineer

lc
attachs. (P.O. List)

61-90-7
8/15/74

Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

Department of Public Works

Office of the Board: Room No. 910 City-County Building

Fort Wayne, Indiana, August 23 19 74

City:

Notice is hereby given you that an assessment of benefits, or award of damages, on account for the vacation of a portion of the first alley south of Wayne Street from the West Property Line of Harmar Street to a point 185 feet west.

has been made against property, situated in the City of Fort Wayne, in Allen County, State of Indiana, recorded as being owned by you, known and described as follows, which assessment of benefits is set opposite said description:

	BENEFITS	DAMAGES
	$1.00	$1.00

All in pursuance to Declaratory Resolution No. 1363-1974, adopted by the Board of Public Works of said City, on the 1st day of July, 19 74, authorized by the provisions of an act of the General Assembly of the State of Indiana, approved March 6th, 1905. Entitled "An Act Concerning Municipal Corporations," and under all acts amendatory thereto and supplemental thereof.

The Board of Public Works will meet, in its office, at 3:30 o'clock P. M., on the 5th day of September, 19 74, for the purpose of hearing and considering any remonstrance which you may desire to present in regard to the amount of your assessment of benefits or award of damages, as aforesaid.

By Order of

BOARD OF PUBLIC WORKS.

1363-1974

NOTICE

OF ASSESSMENT OF BENEFITS OR AWARD OF DAMAGES

Against .....

.....

.....

Account Declaratory Res. 1363-1974

.....

.....

Served on .....

.....

by reading and leaving a copy at

.....

No. ..... Street

on the..... day of....., 19.....

Served by .....

Call Ralph

VACATION of Alley on Harmer STREET

Lot 332 W 1/2 City of Ft. WAYNE Redevelopment
E 1/2 Board of County Commissioners
(Thomas Duehmig ?)

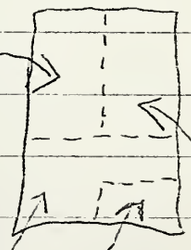
Lot 331 MAX A. and Rose Himelstein
2611 Terrace Road
Don ALBERSMEYER

Lot 330 , Board of County Commissioners

Lot 355 Edward C. + MARY Ruth Gebhard
1020 Columbia

Lot 356 W 1/2 WILLIAM and LILLIAN Warfield
E 1/2 WILLIAM and LILLIAN WARfield
454 EAST Douglas
(743-8451

Lot 357 PAUL A. and FREDA M. BLANK
5421 McClellen St., FT WAYNE



FLORA SCHLENKER
C/O HAZEL CALVIN
3222 DIPLOMAT DRIVE, FT WAYNE

Donald A. Albersmeyer ~~DAA~~ and VIDA MUNDT ESTATE
~~Board of County Commissioners~~
City of Fort WAYNE
Redevelopment Commission

Lot 332

Thomas Duehmig
256 Putnam Street, City
ph 435-6533

Dorthy Cunningham
Viola M. Mundt Estate — Don Albersmeyer
3603 Burbank - City
432-3396

R E S O L U T I O N

WHEREAS, The Fort Wayne Housing Authority has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of a portion of the following public alley located in Fort Wayne, Allen County, Indiana, to-wit:

> *A portion of the East-West alley located in Hanna's Addition, extending 185 feet west of the West Right-of-Way of Harmar Street, lying between Wayne Street and Washington Blvd.*

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. S-53-744 (Burns 1964 Repl. Ed); and,

WHEREAS, notice of such public hearing has been given due and proper publication thereof; and,

WHEREAS, said public hearing was held on April 15 *, 1974, at 7:30 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley:*

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved;

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Alan R. Grinsfelder, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a Resolution adopted by the Fort Wayne City Plan Commission following a Public Hearing of said Commission held on the 15th day of April, 1974, and as the same appears on record in the official records of the Plan Commission.

Dated this 15th day of April, 1974.

Alan R. Grinsfelder
President
Fort Wayne City Plan Commission

Edna-

THE CITY OF FORT WAYNE
board of public works

January 3, 1974

Housing Authority of the City of Fort Wayne
City-County Building, Suite 800
One Main Street
Fort Wayne, Indiana 46802

Attention: Dr. Louis G. Petro, Executive Director

SUBJECT: Indiana 3-11 (Harmar Street Project)

Gentlemen:

The Board has reviewed your letter of January 2, 1974, requesting our intentions regarding vacation of the alley between Wayne and Washington from Harmar west to the west line of Lot 355. Please be advised that we will act expeditiously in this effort pursuant to the law for such vacations.

We foresee no problems in accomplishing this vacation, and necessary utility easements can be created by making it a condition of the vacation proceedings.

Sincerely,

BOARD OF PUBLIC WORKS

Ronald H. Brown

:rs

The Housing Authority of the City of Fort Wayne, Indiana
CITY-COUNTY BUILDING
SUITE 800
ONE MAIN STREET
FORT WAYNE, IND. 46802

BOARD OF PUBLIC WORKS
RECEIVED
JAN - 2 1974

January 2, 1974

Mr. Ron Bonar, Member
Board Of Public Works
City of Fort Wayne, Indiana
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Re: Indiana 3-11

Dear Mr. Bonar:

It would expedite our development of the above-named project, located west of Harmar Street between Washington and Wayne Streets, if you could please state the Board's intention to vacate that portion of the alley enveloped by this project and have it transferred to the Housing Authority with suitable easements to insure the rights of the established utilities in that area.

Please find attached a sketch of that portion of the alley affected.

Sincerely yours,

THE HOUSING AUTHORITY OF THE
CITY OF FORT WAYNE, INDIANA

Louis G. Petro

Louis G. Petro
Executive Director

LGP/lwt
Attachment

cc - Mr. Anthony Caruso

WAYNE STREET

NOTE: CITY RECORDS INDICATE THAT THERE WERE NO FORMER BUILDINGS ON THE SITE HAVING BASEMENTS

LOT 355

LOT 356

LOT

PARCEL "B"

357

PART OF ALLEY

PARCEL "A"

LOT 332

LOT 331

LOT 330

FRANCIS STREET

HARMAR STREET

WASHINGTON BOULEVARD

BENCH MARK
(TOP BOLT IN WEST CORNER TRAFFIC SIGNAL BASE
ASSUMED ELEVATION 100.00

DESCRIPTION

PARCEL "A"

[illegible]

PARCEL "B"

[illegible]

CERTIFICATE OF SURVEY

This [illegible] of [illegible] of land and prepared in conformity with established rules of [illegible] and to the [illegible] of the [illegible] on [illegible] [illegible] and dimensions as shown hereon [illegible] encroachments by [illegible] land owners [illegible] stated below. Corners were permanently [illegible]

REVISIONS

NO.	DATE	BY	
1			
2			
3			
4			
5			

[illegible] No. [illegible] STATE OF INDIANA LAND SURVEYOR

BOARD OF PUBLIC WORKS
RECEIVED
AUG 13 1974

To the Chief of
The Board of Works
of City of Fort Wayne
Dr. Boswell -

August 12
, 1974

Dear Sir:

In reviewing this Alley
topic - "closure of East Half Alley in
700 Block of Wayne & Washington Blvd -"
I find I should state to you that I think
the Alley should not be closed - at this time -
(my opinion -).

Having lived at 818 E. Wayne St
for 24 years - and having repaired at several
times with my own hands and shovels and cement
deep pits on surface, and cleared and cleaned and
swept along the alley, and also at curb at the street -
working at times with a gentle aegress neighbor -
to keep as much decency and neatness along
our own and others back lots - I know well
how the alley is commonly used, and probably
been used a century and more, as a convenient
lane of passage for pedestrians, motorists, and
service spaces for workers of Electric, and gas
water and sewers and Refuse carters - etc & of
all kinds other traffic - It is still needed for many
people in neighborhood -. As the strip of land
belongs to the City I think it should be used by the
people commonly instead of being bound to other
land sites, as is probably intended. To close the
alley at mid-point near the cement wall and many shrubs
and a building would make a cul de sac for vagrants
malevants - loiterers - police could not patrol thru
the block as has been so necessary.

At present the alley is badly smashed -
and need of repair & resurfacing - It should look as
well as the same alley in the 700 Block -

Dear Sir, please know that I write
all of this to you - seriously and most respectfully -
It is my duty - to state these truths

Sincerely
Ruth S. Minervino

Mrs John R
Minervino
818 E. Wayne St.
Fort Wayne -
46803 -

BOARD OF PUBLIC WORKS
FILE
AUG 13 1974

B.O. 54-1974 July 25, 1974 61-65-1

STREET ENGINEERING DEPARTMENT

Res. - Declaratory No. 1363-1974 vacation of a portion of the first alley south of Wayne Street, etc.

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages.

Property List enclosed.

J. D. BOSWELL
R. L. BONAR
W. G. WILLIAMS
BOARD OF PUBLIC WORKS

ajf

enc. P.L.

S.O. 64-1974 July 25, 1974 71-65-1

STREET ENGINEERING DEPARTMENT

Res. - Declaratory Rd. 1323-1974 Vacation of a portion of the first alley south of Wayne Street, etc.

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages.

Property lists enclosed.

G. D. BOSWELL
R. L. BOWNS
J. G. HILLIARDS
BOARD OF PUBLIC WORKS

dlf

enc. P.L.

OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

B.O. 54-74

Date April 18, 1974

To Ken Traylor, Street Engineer

Subject Vacation - E-W alley bet. Wayne & Washington

Copy of petition to vacate a portion of the East-West alley located in Hanna's Addition extending 185 feet west of the West right-of-way of Harmar Street, lying between Wayne Street and Washington Blvd. has been received from City Plan.

Said vacation has been approved by City Plan and is being submitted to Council.

Upon ratification, proceed with preparation of Resolution to be adopted by the Board.

Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS

/bt

NOTED

☐ J.D.B.

☐ R.L.B.

☐ W.G.W

Date

BOARD OF PUBLIC WORKS
RECEIVED
JUN 27 1974

Signed

Reply:

June 27, 1974

Declaratory Resolution, drawing and property ownership list completed and attached.

The entire alley is to be retained for easements.

Please note Mr. Manny's comments.

Kenneth N. Traylor L.C.

Kenneth N. Traylor
Street Engineer

MV:lc
attachs.

61-37-11

Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

BOARD OF PUBLIC WORKS
RECEIVED
JUN 27 1974

NOTED
☐ J.D.B.
☐ R.L.B.
☐ W.G.W.
Date _____

N O T I C E T O P R O P E R T Y O W N E R

Office Board of Public Works
City Hall
Fort Wayne, Indiana.....July 12, 1974.....

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No...1363-1974..... providing for the vacation of a portion of the first alley south of Wayne Street from the west property line of Harmar Street to a point 185 feet west thereof.

The Board has fixed Thursday, July 25, 1974 at 3:30, Room 910, City-County Bldg. a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

PROPERTY DESCRIPTION:

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

61-37-11

NOTICE TO PROPERTY OWNERS

Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the first day of July, 1974 the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION No. 1363-1974

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate a portion of the first alley south of Wayne Street from the west property line of Harmar Street to a point 185 feet west thereof.

All as shown by a plan of such proposed vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said vacation shall be assessed against the property affected thereby.

The Board of Public Works has fixed Thursday, the 25th day of July, 1974 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS

ATTEST: Edna I. Smith, Clerk

PUBLISH: July 5 and July 12, 1974

/ajf

B.O. 54-74 April 18, 1974

Ken Traylor, Street Engineer

Vacation - E-W alley bet. Wayne & Washington

Copy of petition to vacate a portion of the East-West alley located in Hanna's Addition extending 185 feet west of the West right-of-way of Harmar Street, lying between Wayne Street and Washington Blvd. has been received from City Plan.

Said vacation has been approved by City Plan and is being submitted to Council.

Upon ratification, proceed with preparation of Resolution to be adopted by the Board.

Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS

/bt

Ken Traylor, Street Engineer April 18, 1974

Board of Public Works

Vacation - E-W Alley bet. Wayne & Washington B.O. 54-74

Copy of petition to vacate a portion of the East-West alley located in Hanna's Addition extending 185 feet west of the West right-of-way of Harmar Street, lying between Wayne Street and Washington Blvd. has been received from City Plan.

Said vacation has been approved by City Plan and is being submitted to Council.

Upon ratification, proceed with preparation of Resolution to be adopted by the Board.

BOARD OF PUBLIC WORKS

Edna I. Smith

EDNA I. SMITH, CLERK

EIS:bt

Ian Traylor, Street Engineer April 15, 1974

Board of Public Works

Vacation - R-W Alley bet. Hyde & Washington S.O. 54-74

Copy of petition to vacate a portion of the East-West alley located in Hanna's Addition consisting 150 feet West of the right-of-way of Larson Street, lying between Hyde Street and Washington Blvd. has been received by the City Plan.

Said vacation has been approved by City Plan and is being submitted to Council.

Upon verification, proceed with preparation of Resolution to be adopted by the Board.

BOARD OF PUBLIC WORKS

HENRY F. SMITH, CLERK

HFS:bc

Edna
file

The Housing Authority of the City of Fort Wayne, Indiana

CITY-COUNTY BUILDING
SUITE 800
ONE MAIN STREET
FORT WAYNE, IND. 46802

March 28, 1974

Fort Wayne Board of Works
Attention: Mr. Ron Bonar
City-County Building, Room 920
Fort Wayne, Indiana 46802

Dear Mr. Bonar:

Pursuant to my conversation with you March 27, 1974, concerning the vacation of the alley at the Harmer site, I have contacted National Serv-All Garbage Collection in Fort Wayne, Ind.

National Serv-All informed me that under the circumstances, in this case the company has no objection to the proposed vacation of the alley. Written notice to the company a few days prior to actual vacation will suffice. It is my understanding that there is only one resident at the site, i.e., 818 Wayne Street, therefore any garbage collection in the future will be made from Wayne Street, rather than the alley.

Please contact me if you believe other information is necessary. Thank you.

Yours truly,

THE HOUSING AUTHORITY OF THE
CITY OF FORT WAYNE, INDIANA

Alan F. Hizer

Alan F. Hizer
Staff Attorney

LH/da

Memorandum

To Edna Smith / Board of Works Date April 17, 1974

From Patsie / City Plan

Subject Vacation (Housing Authority)

COPIES TO:

Edna:

I have enclosed the following:

Petition to vacate a portion of alley.

Copies of:

City Plan Commission Resolution
Property ownership as listed in the Assessor's office
Letter to the Common Council
Request for Action
Digest Sheet
Map

Any questions, please call me.

Patsie

THE CITY OF FORT WAYNE
office of city plan commission

April 17, 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

A portion of the East-West alley located in Hanna's Addition, extending 185 feet west of the west Right-of-Way of Harmar Street, lying between Wayne Street and Washington Blvd.

which was approved by the City Plan Commission at its regular meeting held April 15th, 1974.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
17th day of April, 1974.

George H. Roser

George H. Roser
Secretary

Number assigned by Dave Keller's Office: # 3388

REQUEST FOR ACTION

To: City Attorney David B. Keller
or
Associate City Attorney Mr. Ralph Blume / 344 Utility Building

From: (Name, Title & Department) City Plan Commission / Room # 880
City-County Building / One Main Street / Ft. Wayne, Indiana

Approved by Richard S. Wanich
(Person authorized to forward legal work)

Date: April 17, 1974

Subject: Preparation of an ordinance for a portion of an alley vacation
(File subject designation)

* * * * * * * * * * *

File # Assigned by Records Librarian

Date:

* * * * * * * * * * *

Action Requested: Preparation of an ordinance for an alley vacation for introduction into Council.

(Continue on reverse side, if necessary)

cc: City Attorney David B. Keller
(If request originally sent to an Associate City Attorney)
Mayor Ivan A. Lebamoff
Department Head of Requesting Party

Number assigned by Dave Keller's office: # 3388

Admn. Appr. _____

TITLE OF ORDINANCE Alley vacation ordinance

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Preparation of an alley vacation ordinance petition initiated by abutting property owners to vacate portion of alley described as follows:

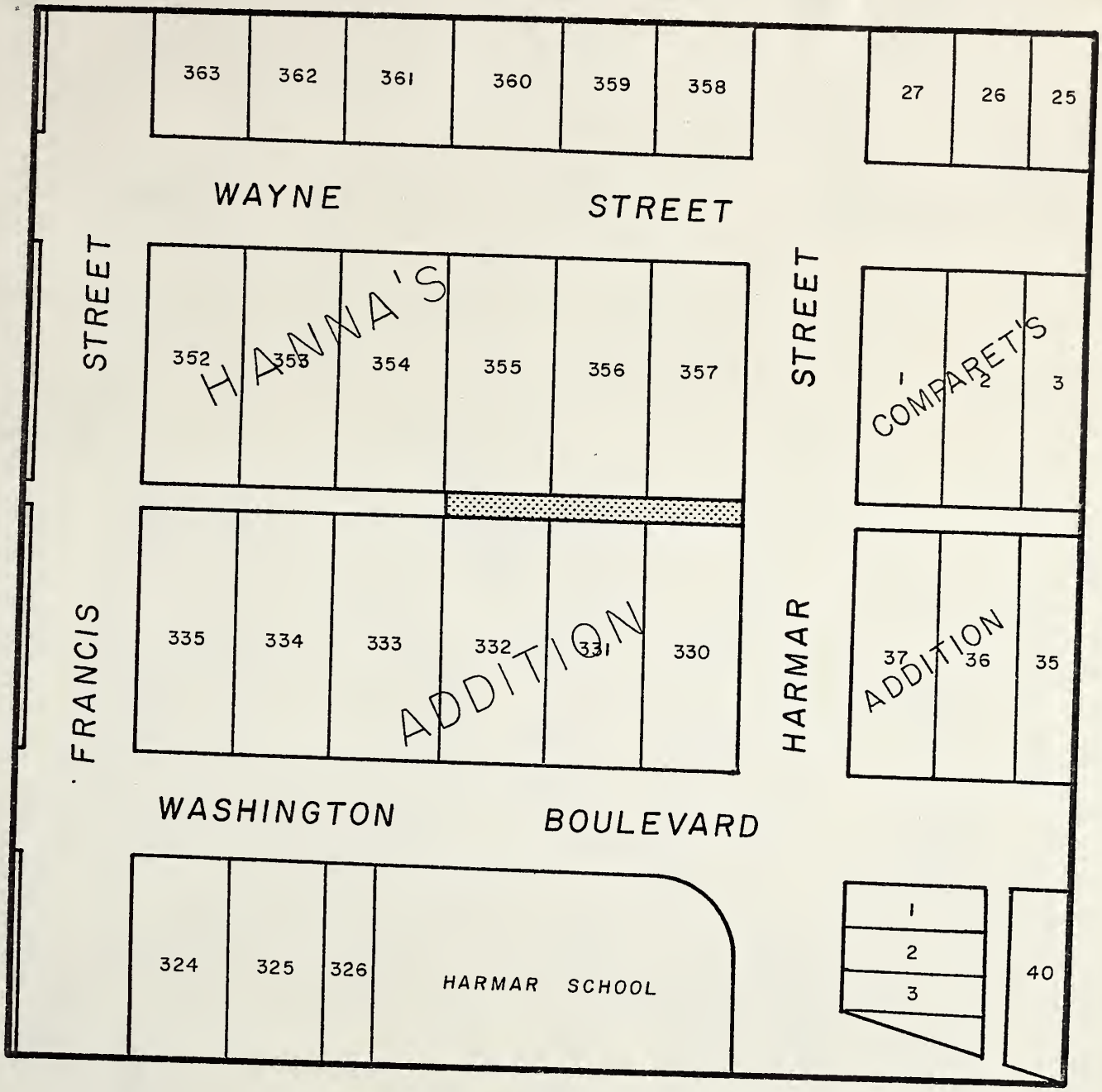
A portion of the East-West alley located in Hanna's Addition, extending 185 feet west of the West Right-of-Way of Harmar Street, lying between Wayne Street and Washington Blvd.,

EFFECT OF PASSAGE Alley would be closed and utilized by abutting property owners.

EFFECT OF NON-PASSAGE Alley would remain as is.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) NOne

ASSIGNED TO COMMITTEE (J.N.) _____



ALLEY TO BE VACATED

PAGE B3

DATE 4-15-74

JAG

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Fort Wayne City Plan Commission will conduct a public hearing on the 15th day of April, 1974, at 7:30 P.M. (EST), in Room # 128, 1st Floor of the City-County Building, One Main Street, Fort Wayne, Indiana, on the vacation of the following described public alley situated in Allen County, Indiana, to-wit:

> A portion of the East-West alley located in Hanna's Addition, extending 185 feet west of the west right-of-way of Harmar Street, lying between Wayne Street and Washington Blvd.

Interested persons are invited to attend said hearing and be heard. Following such hearing, said Fort Wayne City Plan Commission will forward its recommendation to the governing body having jurisdiction over streets and alleys in said area.

FORT WAYNE CITY PLAN COMMISSION

George H. Roser
Secretary

City of Fort Wayne

BOARD OF PUBLIC WORKS
RECEIVED
JUN 07 1974

file

ENGINEERING DEPARTMENT

FORT WAYNE, INDIANA

CITY COUNTY BUILDING

Room 740

June 6, 1974

Northern Indiana Public Service Company
Indiana & Michigan Electric Company
General Telephone Company of Indiana

We have received a petition to vacate the following:

A portion of the first alley south of Wayne Street from the west property line of Harmar Street to a point 185 feet west thereof.

Please check your easement requirements on the enclosed post card and return to us as soon as possible.

Yours truly,

Kenneth N. Traylor
Street Engineer

lc
attachs.

cc: Board of Public Works
(Board Order No. 54-1974)

BOARD OF REGENTS
LIBRARY
MSU TOWER

June 6, 1974

Richard Wanush
City Plan Director

Tom Manny
Traffic Engineer

Please submit your opinion and recommendation on the following proposed vacation.

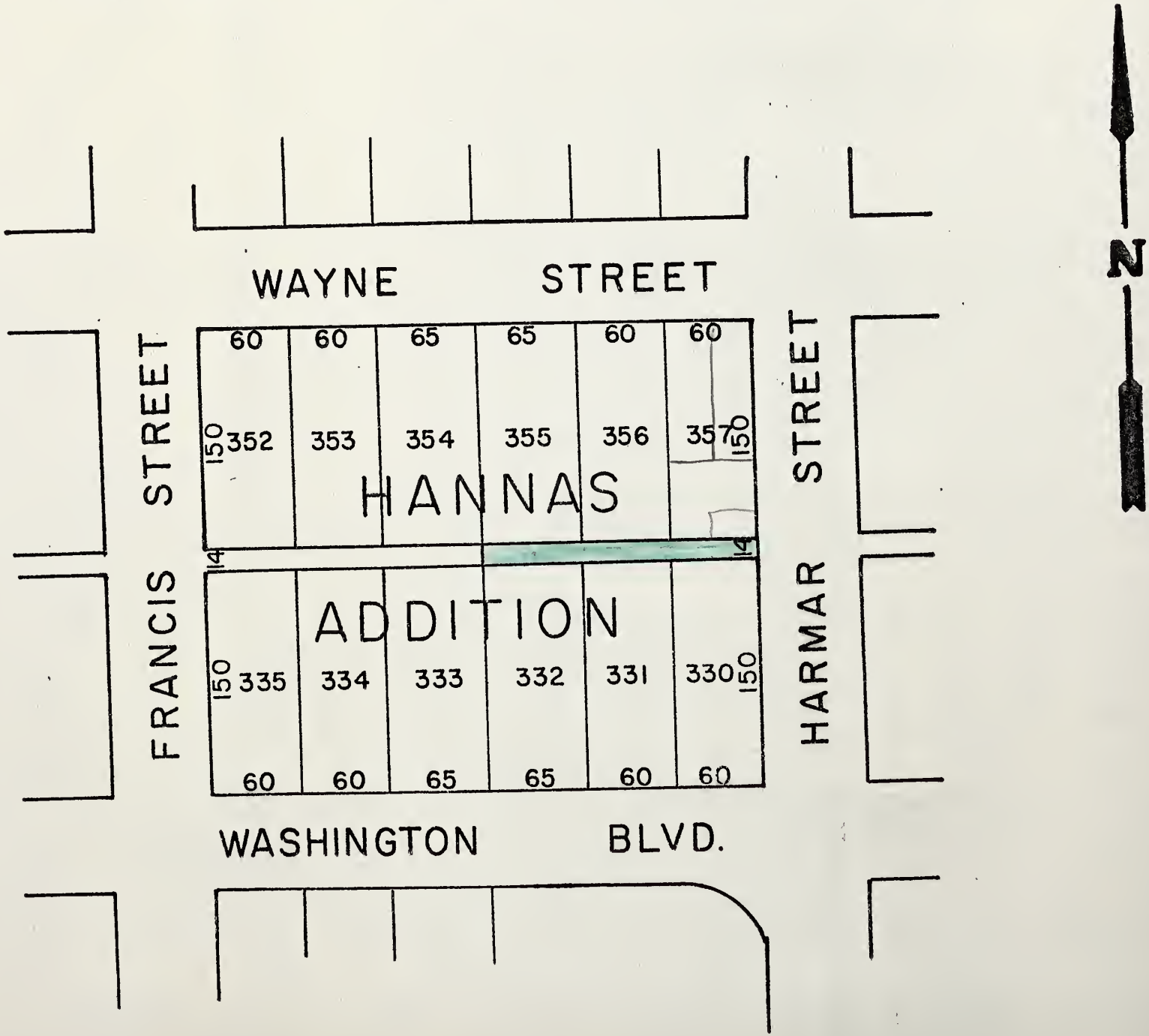
A portion of the first alley south of Wayne Street from the west property line of Harmar Street to a point 185 feet west thereof.

Kenneth N. Traylor
Street Engineer

lc
attachs.

cc: Board of Public Works
(B.O. #54-1974)

PORTION OF ALLEY TO BE VACATED



BOARD OF PUBLIC WORKS
RECEIVED
MAY 16 1974

BILL NO. G-74-05-18

GENERAL ORDINANCE NO. G-10-74

AN ORDINANCE amending General Ordinance No. G-97
by authorizing the vacation of a certain alley
in the City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission, and resolution having been duly adopted by the Fort Wayne City Plan Commission on April 15, 1974 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:

> A portion of the East-West alley located in Hanna's Addition, extending 185 feet west of the West Right-of-Way of Harmar Street, lying between Wayne Street and Washington Blvd.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

APPROVED AS TO FORM
AND LEGALITY, 5-[illegible]-74
Joseph Hogan
CITY ATTORNEY
Council

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M.,E.S.T.

Date: _____ _____
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed (~~LOST~~) by the following vote:

	AYES 9	NAYS	ABSTAINED	ABSENT	to-wit:
BURNS	✓				
HINGA	✓				
KRAUS	✓				
MOSES	✓				
NUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
STIER	✓				
TALARICO	✓				

DATE: 5-14-74

Charles W. Westerman
Melvin G. Hinch, Dep. Clerk
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (~~General~~ General) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. G-10-74 on the 14th day of May, 1974.

ATTEST: (SEAL)

Charles W. Westerman
Melvin G. Hinch, Dep. Clerk
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of May, 1974, at the hour of 10:00 o'clock A M.,E.S.T.

Charles W. Westerman
Melvin G. Hinch, Dep. Clerk
CITY CLERK

Approved and signed by me this 15th day of May, 1974, at the hour of 11:30 o'clock A M.,E.S.T.

Ivan A. Boandt
MAYOR

PETITION TO VACATE PORTION OF ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

THE BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE, INDIANA

The Fort Wayne Housing Authority does hereby petition the City Plan Commission of the City of Fort Wayne to vacate a portion of the following alley located within the City of Fort Wayne, Indiana, and described as follows:

> A portion of the East-West alley located in Hanna's Addition extending 185 feet west of the West Right-of-Way of Harmar Street, lying between Wayne Street and Washington Blvd.

Your petitioners represent:

1. That no other person, firm, or corporation is interested in or affected by the requested vacation.
2. That portion of said alley is not necessary as ingress or egress to any other property whatsoever. The sole resident on that block has access to her garage through the Francis Street entrance.
3. That said portion of alley will not be used as a service alley and with the provision that utility easements located therein shall continue.
4. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof, as well as the immediately adjoining property owners that said portion of alley be vacated as prayed.

Your petitioners file this petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that that portion of the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

Louis G. Petro

Dr. Louis Petro
Executive Director
Fort Wayne Housing Authority of the
City of Fort Wayne

N O T I C E T O P R O P E R T Y O W N E R

Office Board of Public Works
City Hall
Fort Wayne, Indiana.....July 12, 1974.....

To. John Noviasky.....
915 Francis Street
Ft. Wayne, Indiana 46803

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No...1363-1974..... providing for the vacation of a portion of the first alley south of Wayne Street from the west property line of Harmar Street to a point 185 feet west thereof.

The Board has fixed Thursday, July 25, 1974 at 3:30, Room 910, City-County Bldg. a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

PROPERTY DESCRIPTION:

Lot 352 (S 37½ of W 33), Hanna's Addition

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

BOARD OF PUBLIC WORKS
CITY COUNTY BLDG.
FORT WAYNE, INDIANA 46802

Dec. 1363-74

RETURN TO SENDER
ADDRESSEE UNKNOWN

Fort Wayne
A Quality City
In A Quantity World

FORT
JUL 12 '74

FORT WAYNE, IN
-PM
13 JUL
1974

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev 1967)

Ft. Wayne Board of Public Works
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines		
Head	number of lines	1
Body	number of lines	28
Tail	number of lines	5
	Total number of lines in notice	33

COMPUTION OF CHARGES

33 lines, 1 columns wide equals 33 equivalent lines at .288¢ cents per line — $ 9.50

Additional charge for notices containing rule or tabular work (50 per cent of above amount) —

Charge for extra proofs of publication (50 cents for each proof in excess of two) —

TOTAL AMOUNT OF CLAIM — $ 9.50

DATA FOR COMPUTING COST

Width of single column 11 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Date July 13, 19 74 — Title Clerk

NOTICE TO PROPERTY OWNERS

Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the first day of July, 1974 the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION
No. 1363-1974

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate a portion of the first alley south of Wayne Street from the west property line of Harmar Street to a point 185 feet west thereof.

All as shown by a plan of such proposed vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said vacation shall be assessed against the property affected thereby.

The Board of Public Works has fixed Thursday, the 25th day of July, 1974 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS
ATTEST: Edna I. Smith, Clerk.
7—5-12

Y OF
T HERE

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E.Gerken who, being duly sworn, says that S he is Clerk of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city ~~Town~~ of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time s, the dates of publication being as follows:

7/5-12/74

V. E. Gerken

Subscribed and sworn to before me this 13th day of July 19 74

Lance C. Roemke
Notary Public

My commission expires October 25, 1975

Claim No...... **Warrant No.**.....

IN FAVOR OF

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On Account of Appropriation for

.....

Appropriation No......

Allowed.....**, 19**.....

In the sum of $.....

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I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is apparently { Correct / Incorrect

.....

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

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.....**196**.....

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

SIZE OF TYPE	11 Em Column (132 Points) Number of Insertions 1	2	3	4
5½	.192	.288	.384	.480
6	.176	.264	.352	.440
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9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

Form Prescribed by State Board of Accounts

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(Governmental Unit)

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Allen County, Ind.

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Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS
ATTEST: Edna I. Smith, Clerk.
7—5-12

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NT HERE

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V. E. Gerken

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Elma C. Koemke
Notary Public

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Arvilla De Wald

Date July 13, 19 74

Title CLERK

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Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS
ATTEST: Edna I. Smith, Clerk.
7—5-12

OF HERE

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State of Indiana
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city ~~town~~ of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

7/5-12-74

Arvilla De Wald

Subscribed and sworn to before me this 13th day of July 19 74

Elmer C Klemke
Notary Public

My commission expires October 25, 1975

Form #904

Claim No...... **Warrant No.**.....

IN FAVOR OF

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On Account of Appropriation for

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Elmer C. Kelmke
Notary Public

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DECLARATORY

~~Improvement~~ **Resolution No. 1363** **For** The VACATION of A PORTION of The FIRST ALLEY SOUTH of WAYNE STREET

FROM The WEST PROPERTY LINE of HARMAR STREET TO A POINT 185' WEST.

		OWNER'S NAME	ADDRESS	NUMBER OF LOT	NUMBER OF BLOCK	NUMBER OF O. L.	DESCRIPTION
DEED TO HOUSING AUTHORITY 7/1/74	1	CITY of FORT WAYNE	" " "	330			HANNA'S ADD
	2	THE HOUSING AUTHORITY of the CITY of FORT WAYNE	" "	331			
	3	BOARD of COMM	" "	332 E 30'			
	4	CITY of FORT WAYNE	" " "	332 W 1/2 A S vacated			
	5	CITY of FORT WAYNE	"	333 E 25 ft S vacated			
	6	CITY of FORT WAYNE	" " "	333 W 35			
	7	FORT WAYNE REDEVELOPMENT COMM	" " "	334 E 1/2			
	8	CITY of FORT WAYNE	" "	334 W 1/2			
	9	CITY of FORT WAYNE	" "	335 E 1/2			
	10	CITY of FORT WAYNE	" "	335 N 87 ft W 1/2			
RETURNED NOT DELIVERABLE	11	NOVIASKY, JOHN	915 FRANCIS ST.	352 S 51 1/2 ft W 33			
	12	CITY of FORT WAYNE	" " "	352 E 30 ft, N 175 ft 275			
	13	CITY of FORT WAYNE	" "	353 W 1/2			
	14	MINERVINO, RUTH	818 E WAYNE	353 E 1/2			
	15	MINERVINO, RUTH	" " "	354 + S vacated alley			
	16	THE HOUSING AUTHORITY of The CITY of FORT WAYNE	" " "	355 + S vacated alley			
RETURNED BY HOUSING AUTHORITY 7/22/74	17	WARFIELD, WILLIAM + LILLIAN	2130 OLD ADAMS DR	356 W 1/2			
	18	WARFIELD, WILLIAM + LILLIAN	" "	356 E 1/2			
	19	THE HOUSING AUTHORITY of the CITY of FORT WAYNE	" " "	357 S 27 ft E 45			
	20	BOARD of COMM	" "	357 S 60 ft exc S 27 ft E 45			
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	60	NOTICES MAILED ~~OR SERVED~~					
	61	7-12-74					
	62						
	63	By					
	64						
	65						
			TOTAL				

1363-74